IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.4741 OF 2007

1.M/s.S.V.Drillers. ...Petitioner

vs.

1.State of Maharashtra & others. ...Respondents.

Mr.Sandeep Bhagwat, for petitioner.

Mr.R.M.Patne, AGP for Respondents.

CORAM: D.K.DESHMUKH &

V.M.KANADE, JJ.

DATED: 29th NOVEMBER,2007.

P.C.:-

1. The petitioner by this petition challenges the order passed by the Managing Director dated 26.9.2006 cancelling the petitioner's eligibility certificate on the ground that its unit was closed. The question

'whether the unit of the petitioner was closed' is the disputed question of fact which will have to be decided for granting relief which the petitioner is seeking in this petition. In our opinion, under the extra ordinary jurisdiction under Article 226 of the Constitution of India, a disputed question of fact cannot be gone into. The proper remedy of the petitioner is to file civil suit. The petition is therefore, disposed of.

(D.K.DESHMUKH, J.)

(V.M.KANADE,J.)